

### **REMARKS**

Claims 1-8 are currently pending in the subject application, and are presently under consideration. Claims 1-8 are rejected. Claims 2 and 6 have been amended. Claims 5 and 8 have been canceled. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

#### **I. Rejection of Claims 2-4 and 6-7 Under 35 U.S.C. §103(a)**

Claims 2-4 and 6-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,930,246 to Akutsu ("Akutsu") in view of U.S. Publication No. 2005/0058116 to Palin, et al. ("Palin"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 2 and 6 have been amended to substantially incorporate the subject matter of claims 5 and 8, respectively, while claims 5 and 8 have been canceled accordingly. Therefore, Applicant's representative will respond to the rejection of claims 2 and 6 in the section of this paper that addresses the rejection of claims 5 and 8.

#### **II. Rejection of Claims 1, 5 and 8 Under 35 U.S.C. §103(a)**

Claims 1, 5 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Akutsu in view of Palin, and further in view of U.S. Patent No. 6,101,176 to Honkasalo, et al. ("Honkasalo"). As stated above, claims 2 and 6 have been amended to substantially incorporate the subject matter of claims 5 and 8, and thus, Applicant's representative will address the rejection of claims 2 and 6 in this section. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Akutsu taken in view of Palin and in further view of Honkasalo fails to teach or suggest that each time division multiple access (TDMA) time interval is selected to be at least twice a propagation time needed to transmit data to a user, to minimize interference effects, as recited in claim 1. In rejecting claim 1, the Examiner contends that Honkasalo discloses this element of claim 1 (See Office Action, Page 7, citing Col. 1, Lines 59-67 of Honkasalo). However, the

cited section of Honkasalo merely discloses that in a TDMA system, signals are divided into disjoint (e.g., separate) time slots (See Honkasalo, Col. 1, Lines 59-62). In contrast to claim 1, the cited section of Honkasalo does not teach or suggest that each TDMA interval is selected based on a propagation time. Instead, the cited section of Honkasalo merely discloses that time delays can be used to distinguish between signals within a network (See Honkasalo, Col. 1, Lines 52-64). Therefore, Akutsu taken in view of Palin and in further view of Honkasalo fails to teach or suggest that each time TDMA time interval is selected to be at least twice a propagation time needed to transmit data to a user, to minimize interference effects, as recited in claim 1. Accordingly, Akutsu taken in view of Palin and in further view of Honkasalo does not make claim 1 obvious.

Moreover, the Examiner submits that it is logical to utilize as much as twice the amount of delay times to avoid signal interference in a TDMA time interval (See Office Action, Page 7). However, the Examiner has cited no reference that supports this idea. As stated above, claim 1 recites that each TDMA time interval is selected to be at least twice the propagation time needed to transmit data to a user, to minimize interference effects. In fact, Applicant's representative respectfully submits that the Examiner has not cited any prior art that teaches or suggests selecting a TDMA time interval based on a propagation time needed to transmit data to a user for any purpose (including minimizing interference effects), in contrast to the methodology of claim 1. Accordingly, Applicant's representative respectfully submits that claim 1 should be patentable over the cited art.

Claims 2 and 6 have been amended to recite that each TDMA time interval is selected to be at least twice a propagation time needed to transmit data to a user, to minimize interference effects. For the reasons discussed above with respect to claim 1, none of the cited art (including Akutsu, Palin and Honkasalo) teaches or suggests this element of amended claims 2 and 6. Accordingly, claims 2 and 6, as well as claims 3-4 and 7 depending therefrom, should be patentable over the cited art.

For the reasons described above, claims 1, 2-4 and 6-7 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

In view of the foregoing remarks, Applicant's representative respectfully submits that the present application is in condition for allowance. Applicant's representative respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date 23 January 2008

/Christopher P Harris/

Christopher P. Harris

Registration No. 43,660

CUSTOMER No.: 26,294

TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.

1300 EAST NINTH STREET, SUITE 1700

CLEVELAND, OHIO 44114

Phone: (216) 621-2234

Fax: (216) 621-4072